REMARKS/ARGUMENTS

Responsive to the Official Action mailed September 10, 2004, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claims 1 and 2 have been amended. Reconsideration is respectfully requested.

In order to advance prosecution of this application, applicants submit herewith a Terminal Disclaimer disclaiming the term of any patent based upon the present application which would extend beyond the term of any patent granted on the commonly-assigned, co-pending patent publications noted by the Patent Examiner. It is believed that this rejection can now be withdrawn.

In rejecting the pending claims under 35 U.S.C. §103, the Examiner has relied principally upon U.S. Patent No. 4,702,415, to Vander Wielen et al., in view of U.S. Patent No. 6,114,017, to Fabbricante et al. However, it is respectfully submitted that these references, even when combined, do not teach or suggest applicants' novel medical fabric products as claimed, and accordingly, the Examiner's rejection is respectfully traversed.

In significant distinction from the prior art, applicants' pending claims specify a unique nonwoven compound fabric construct which includes a nano-denier barrier layer, an associated substrate layer, and *a secondary barrier layer.* This secondary barrier layer is selected from the group consisting of: meltblown fibers, microporous

films, and monolithic films. This is an important distinction from the prior art, which is neither suggested nor taught by the cited references, even when combined.

As discussed in the Specification, the present invention contemplates that a secondary barrier layer material be combined with the recited nano-denier barrier layer. As noted, by providing a nano-denier continuous layer upon which a subsequent secondary barrier layer may be deposited, several enhancements of the fabric can be realized. For a given basis weight of the layer, a finer denier fabric will give a greater number of filaments in smaller average pore size per unit area. Smaller average pore size will result in more uniform deposition of the secondary barrier material onto the nano-denier barrier layer. A more uniform secondary barrier layer will also have fewer weak points in the web which a failure in barrier performance can occur.

The nano-denier barrier layer also desirably serves to support the secondary barrier layer structurally in the compound nonwoven material. A nano-denier barrier layer provides a smaller average pore size and a larger number of support points for the secondary barrier layer, thus resulting in shorter spans of unsupported secondary barrier material. This embodies the well-known concept that reduction in the average span length results in enhanced structural integrity.

It is respectfully noted that neither of the cited references teach or suggest such an arrangement. The principal Vander Wielen reference is limited in its teachings to the formation of a composite elastomeric material comprising at least one gatherable

web bonded to at least one elastic web (column 2, lines 40 *et seq.)*. Clearly, the one or more gatherable webs contemplated by this reference do not provide a "secondary barrier layer", selected from the specified group, in accordance with the present claims.

It is noted that Table I of Vander Wielen et al. discusses the types of "gatherable materials" employed for the contemplated gatherable webs. Notably, these materials include thermally bonded carded webs, a multi-layer carded web, and spunbonded webs. There is clearly no teaching whatsoever of providing a secondary barrier layer selected from the group consisting of meltblown fibers, microporous films, and monolithic films, constructs which have been selected to provide enhanced barrier properties, in combination with the recited nano-denier barrier layer of the present fabric.

Applicants note that the secondary Fabbricante et al. reference fails to overcome the clear deficiencies in the teachings of the principal Vander Wielen et al. reference. As noted by the Examiner, Fabbricante et al. is directed to webs using micro-denier diameters, with this patent disclosing modular dies which can be employed for formation of these types of webs. However, there is clearly no teaching or suggestion in this reference of providing a compound fabric construction including a nano-denier barrier layer, a secondary barrier layer selected from the group consisting of meltblown fibers, microporous films, and monolithic films, with an associated substrate layer. As noted, applicants' unique combination provides enhanced barrier performance, thus

making the fabric particularly suitable for use as a medical gown or medical drape, as claimed.

In view of the foregoing, formal allowance of claims 1 and 2 is believed to be in order and is respectfully solicited. Should the Examiner with to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

By_____
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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **February 10, 2005**.

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